
Status & Remarks

The application presently contains the following claims:

<i>Independent Claim #</i>	<i>Dependent Claim #s</i>
1(amended)	2-5, 7-10
11 – 40 (deleted)	
41(new)	42-49 (new)

Claim 1 is amended in this response. Claims 11-40 are deleted, claims 41-49 are newly submitted. Support for the claim amendments and newly added claims may be found with reference to FIGS. 1-4 as originally filed.

35 U.S.C. §112

The examiner has rejected claims 1-5, 7-27, 29-32 and 38-40 under this section, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Specifically, the examiner has pointed "said first to said second position" in line 20 of claim #1 as having insufficient antecedent basis. The applicant's attorney thanks the examiner for this observation. Proper antecedent basis is now provided for the wording in claim #1.

The examiner has additionally noted that it was unclear as to the meaning of "by sliding movement of said movable component with said fixed component." Specifically, the examiner indicated that it was unclear as to how both the movable component and the fixed component were capable of sliding movement. While the applicant's attorney would respectfully indicate that the phraseology is understandable, the term "with" has been amended to read "over", thereby removing the rejection of the examiner.

35 U.S.C. §102

There are no pending rejections under this section.

35 U.S.C. §103

The examiner has rejected claims 1-5, 7-8 and 10-20, 20-27, 29-30, 32 and 38-40 under this section,

subparagraph (a) as being unpatentable over United States Patent No. 4,854,639 to *Burleigh et al.*, (hereinafter "*Burleigh*" or '639) in view of U.S. Patent No. 6,478,377 to *Kassai et al.*, (hereinafter "*Kassai*" or '377) and provided his reasons therefore. The examiner has also provided additional thoughts as to the predicate for the rejection, which the applicant's attorney may have underappreciated. The applicant's attorney would respectfully request the examiner to revisit his position in light of the following comments, claim amendments to the independent claims and newly submitted claims, which address the specific points raised by the examiner.

It is respectfully submitted that the applicant's attorney was interpreting the examiner's position quite differently from the manner in which it was apparently intended. However, as the claims are presently amended, it is requested that the examiner review this same argument vis-à-vis the width of the upper headrest in comparison to the lower area width. The examiner has commented that the "width requirement" argument is problematic for various reasons. While not concurring with the positions advanced by the examiner, the amendments made to the claims in conjunction with the newly submitted claims, clearly distinguish in a patentable manner over either *Burleigh* even taken with *Kassai*. *Burleigh's* indentations clearly are below a level of the top surface of the fixed component, making it difficult to thread any seat belt when the headrest is in its retracted position. *Meeker & Gibson* have removed this problem.

The examiner has kindly submitted a diagram B, which is an annotated Figure 8 of *Burleigh*. However, this annotated diagram portrays the back of the car seat when folded. The applicant's attorney would still argue that with the claims as amended, the proper analysis will focus on the opposite side of the same components of the car seat, and that as construed with the claims as amended, *Burleigh's* interior widths are not the same as the corresponding interior widths of *Meeker & Gibson*. The applicant's attorney does appreciate the examiner taking the time to explain his position in a manner which was not understood initially. This amendment, coupled with others in independent claim #1 as well as limitations found in newly submitted claim #41 are believed to render this predicate for rejection moot. It is additionally submitted that *Kassai* does not teach movable and fixed components within a back member. As discussed later in this amendment response, *Kassai* appears to teach complex arrangements where the forward extending wings are capable of moving up or down, but not the back member of the car seat. This is a totally different mechanical arrangement, which does not teach the mechanical arrangement employed by the applicant's invention.

Additionally, the examiner has rejected claims 9, 21 and 31 under this section, subparagraph (a) as being unpatentable over *Burleigh* in view of *Kassai* and further in view of U.S. Patent No. 6,135,553 to *Lovie et al.*, (hereinafter "*Lovie*" or '377).

As presently claimed, there is no teaching contained within *Burleigh* or *Kassai* which teach or render obvious, a limitation that the indentations are always above a top surface of the fixed component of the back. This is clearly shown in *Fig. 3* of the pending application of *Meeker & Gibson*. Curvilinear fixed surface **74** clearly stays below a level of indentations **98** (illustrated in *Figs. 2 & 4*). This is not taught in any prior art reference. Additionally, there is no teaching in the prior art of any upwardly-extending locking member **78**.

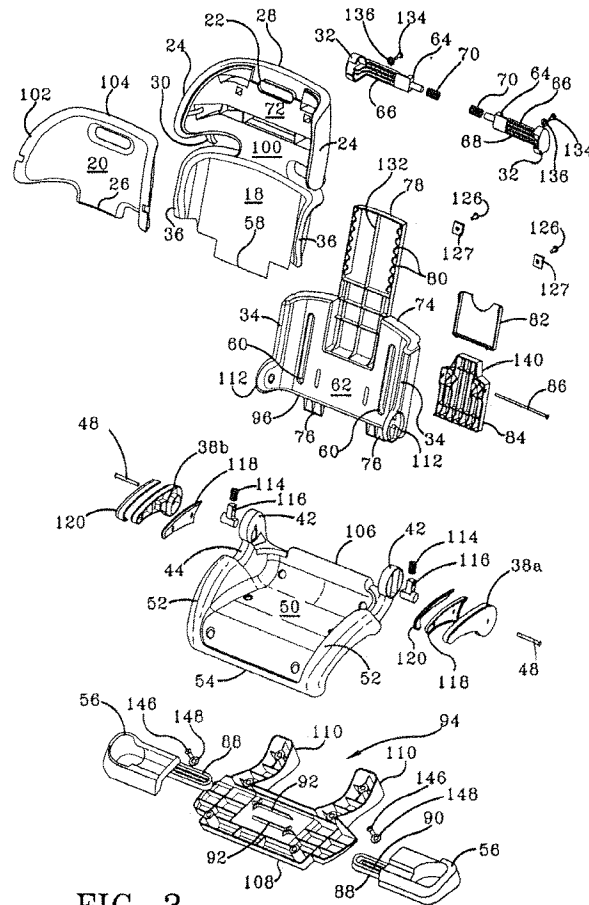


FIG-3

Kassai does not provide the missing teachings of *Burleigh*. In fact, *Kassai* does not appear to have a movable back at all. As best understood by the applicant's attorney, the only movable component within *Kassai* is represented by slot 229, the upward and downward movement therein either spreading or decreasing the lateral movement of the wings as indicated by the curvilinear arrows. The back of the *Kassai* car seat however, appears to remain stationary. This is true even if the more sophisticated or split wing arrangement is being employed as illustrated in *Fig. 19*.

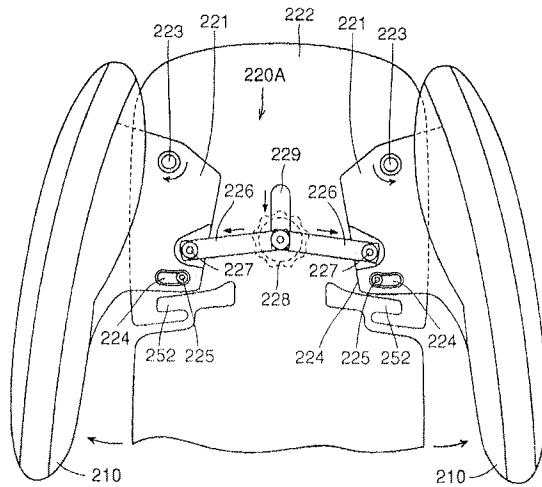
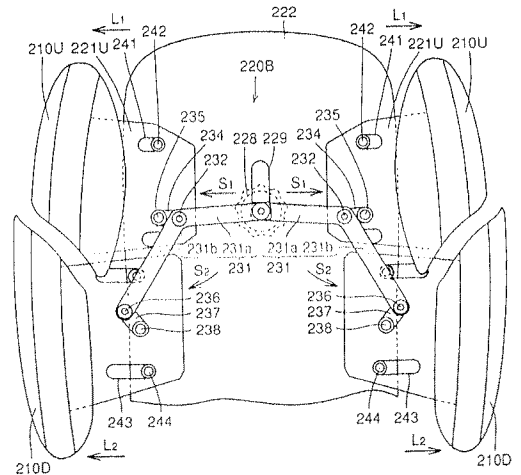
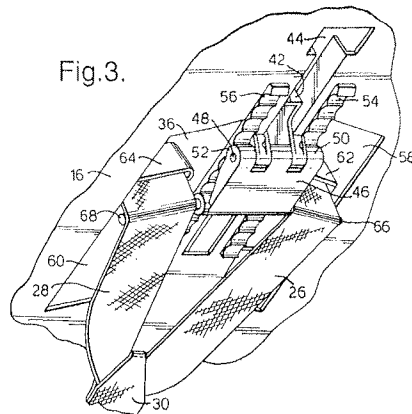


FIG. 19



It is completely unclear why the examiner is focusing on *Lovie*. As best understood, the sliding mechanism which is being taught by the patent relates to the ability to move the internal infant seat shoulder belt harness up or down within an infant seat as illustrated by Fig. 3 reproduced below. This is not equivalent or functionally related to the ability of a car seat back to interface with an external car seat shoulder belt harness with that of a car seat indentation, nor is it related to a car seat back to move upwardly and downwardly in a manner which preserves the internal width of the back of the car seat. This is not even a concern of *Lovie* as the infant carrier back is fixed and cannot be extended.



It is respectfully submitted that the combination of *Burleigh* in view of *Kassai* and further in view of *Lovie* does not render obvious any of the claimed limitations of the pending claims of *Meeker & Gibson*.

Request for Reconsideration

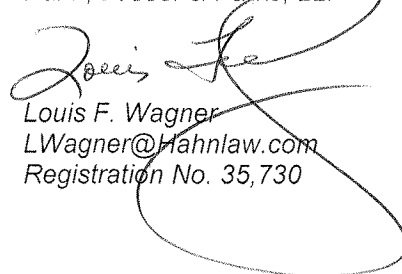
Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 15-0450.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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Respectfully Submitted,
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